

Remarks

Applicants have carefully reviewed the Office Action mailed on December 9, 2004. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 13, 29, 31 and 35 are amended. Claims 13-29 and 31-42 remain pending.

Claims 35 and 37 are rejected under 35 U.S.C. §102(e) as being anticipated by Broome et al. in U.S. Patent No. 6,152,946. Claim 35 is now amended. It is believed that the language used in amended claim 35 more clearly defines the claimed invention and positively recites structural limitations that distinguish the claimed invention from the cited art. For example, amended claim 35 now recites that the proximal region of the filter frame includes an outer surface region having an increased coefficient relative to other portions of the filter cartridge for frictionally attaching the filter cartridge to a retrieval device. This differs from the Broome et al. where an interference fit is utilized to connect the filter cartridge to the retrieval device. It does not appear that Broome et al. teaches or discloses that an outer surface region having an increased coefficient of friction so that the filter cartridge can be frictionally attached to the retrieval device. Because of this structural distinction, Applicants respectfully submit that amended claim 35 is in condition for allowance. Because claim 37 depends from amended claim 35, it is allowable based on this amendment and because it adds significant elements to distinguish it from the prior art.

Claims 13-29 and 31-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Khosravi in U.S. Patent No. 6,361,546 in view of Broome et al. Please note that if the Examiner believes that Broome et al. qualifies as a reference only under

35 U.S.C. §102(e), the Broome et al. is not available as a reference because both Broome et al. and Applicants are subject to an obligation of assignment to the same person. If this is what the Examiner believes is the case, the rejection should be withdrawn in due course. If not, Applicants respectfully traverse the rejection under 35 U.S.C. §103(a) for at least the reasons stated below.

Regarding claims 13-28, claim 13 is now amended so that it recites that the inflatable cuff defines an interference fit between the catheter and the filter cartridge. Neither Khosravi nor Broome et al. appear to disclose this limitation. Instead, Khosravi's inflatable member frictionally engages the filter. Khosravi at column 7, lines 45-48. As mentioned above, Broome et al. utilizes an interference fit that is created by a non-inflatable catheter wall surface. Therefore, neither Khosravi nor Broome et al. disclose the claimed structural limitations recited in amended claim 13. More particularly, neither reference discloses structurally defining an interference fit by inflating an inflatable cuff. As indicated in MPEP §2143, a prima facie case of obviousness requires that all the claim limitations must be taught or suggested. Therefore, Applicants respectfully submit that a prima facie case of obviousness is not properly established for amended claim 13.

Because claims 14-28 depend from claim 13 they are also patentable based on this amendment and because they add significant elements to distinguish them from the art.

Regarding claims 29 and 31-34, claim 29 is similarly amended to recite the step of expanding the inflatable cuff to define an interference fit between the filter cartridge and the retrieval device. As described above, neither Khosravi nor Broome et al. appear to disclose this limitation. Therefore, Applicants respectfully submit that a prima facie case of obviousness is not properly established for amended claim 29. Because claims

31-34 depend from claim 29 they are also patentable based on this amendment and because they add significant elements to distinguish them from the art.

Regarding claims 35-42, independent claim 35 is amended as indicated above. It is believed that the amendment to claim 35 distinguishes it from Broome et al. because Broome et al. does not appear to teach or disclose an outer surface region having an increased coefficient of friction so that the filter cartridge can be frictionally attached to the retrieval device. This limitation is also absent from Khasravi. Because each and every claim limitation is not disclosed by the combination of references, a prima facie case is not properly established for amended claim 35. Therefore, amended claim 35 is believed to be in condition for allowance. Because claims 36-42 depend from claim 35, they are also allowable based on this amendment and because they add significant elements to distinguish them from the art.

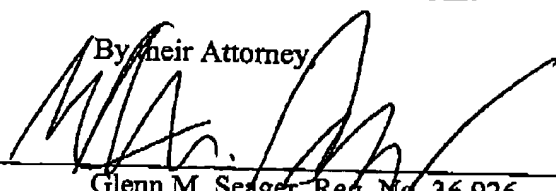
Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney

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